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ARIZONA ATTORNEY GENERAL

October 3, 1953
Opinion No. 53-170

TO: Mr. Glenn E. Spangler, President
State Board of Barber Examiners
17 South Eighteenth Avenue
Phoenix, Arizona

RE: Barber Examinations

QUESTION: What time period must elapse or
additional training is required
of applicants who fail the
barber examination before they
may again become eligible to
take said examination?

Provision is made under Section 67-106, subsection (b) of the Arizona Code Annotated, 1939, and Section 67-108, subsection (b) of the Arizona Code Annotated, 1939, for barbering apprentices who fail to satisfactorily pass the barber examination. Section 67-106, subsection (b) pertains to resident apprentices and provides as follows:

"67-106. Barber--Qualifications.-- * * * * *

(b) An applicant for a certificate to practice as a registered barber, who fails to satisfactorily pass an examination, must continue to practice as an apprentice for an additional six (6) months and must pay the required fee before he may again take the examination for a registered barber."

Section 67-108, subsection (b) relating to non-resident apprentices provides that:

"67-108. Apprentices from other states--Students.--
* * * * *

(b) Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration to practice as an apprentice as prescribed by this article, and who has the qualifications required in Section 6 (67-106), shall be credited with the time so spent, on the period of apprenticeship herein required as a qualification to take the examination for a certificate to practice as a registered barber."

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The Barber Act is silent concerning the necessary waiting period or any additional training that may be required of barbers who fail an examination. There is no reciprocity clause for barbers from other states who might wish to take the Arizona examination, and the Act itself does not provide for resident barbers who might fail the examination.

Section 67-131, of the Arizona Code Annotated, 1939, provides in part:

"67-131. Board may promulgate rules and regulations.--The board shall have authority to make reasonable rules and regulations for the administration of this article * * *."

There is no provision as to time period or other conditions which must first be complied with by a barber who fails an examination before he may again become eligible to take said examination. Therefore, since the Barbers' Board may make "reasonable rules for the administration" of the Barber Act under Section 67-131, supra, the Board may make reasonable rules concerning the retaking of the barbers' examination by barbers who fail any prior examination.

ROSS F. JONES
The Attorney General

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